IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FIFTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO: 6364 of 2005

Between:

M.S.N. Reddy, S/o Chandra Reddy, Hindu,
Suryapet Bus Depot, Nalgonda District.

..... PETITIONER

AND

1 The Depot Manager, APSRTC, Suryapet Bus Depot,
Nalgonda District.
2 The Divisional Manager, APSRTC, Suryapet , Nalgonda
District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction more particularly one in the nature of writ of mandamus declaring that the action of the respondents in imposing the punishment of withholding of annual increment when next falls for a period of 6 months which shall have effect on withholding petitioners future increments as bad, arbitrary, illegal, unjust and contrary to the judgments of this Hon'ble Court and also the apex court by setting aside the final order No P3/1(13)/92/SRPT dt.26-2-1992 and consequential order direct the respondents to add the withholded increments and to pay arrears and pass such other order or orders.

Counsel for the Petitioner: MR.P.VENKATESWAR RAO

Counsel for the Respondents: MR.V.T.M.PRASAD (S.C.FOR APSRTC)

The Court, at the admission stage, made the following:

THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO : 6364 of 2005

ORDER:

The petitioner is working as a conductor in the respondent-Corporation. He was issued a charge sheet on
19-01-1992 on the allegation of some cash and ticket irregularities and after receiving the explanation of the petitioner, the final orders were passed on 26-02-1992 imposing the penalty of withholding of one incremental stage for a period of six months with cumulative effect. The petitioner questioned the order on the ground that though there is reduction of annual increment for a period of six months with cumulative effect is a major penalty, the respondent passed the impugned order without conducting any enquiry as required under the rules. Therefore, the order is illegal and it is liable to be set aside. He filed an appeal before the conciliation authority but the same was dismissed by the appellate authority.

2. The learned Counsel for the petitioner relied on a judgment of the Supreme Court in **Kulwant Singh Gill v. State of Punjab**[1] wherein the Supreme Court held that since the punishment imposed on the petitioner is a major punishment, the order cannot be sustained without an enquiry. The petitioner therefore seeks to declare that the order is illegal and it is liable to be set aside.

3. The petitioner after receiving the adverse orders slept over the matter for a period of 12 years. There are laches on his part in asserting his right regarding this issue. Though the impugned order is liable to be set aside in view of the judgment of the Supreme Court in Kulwant Singh Gill (1 supra), on account of long lapse of time in filing the writ petition, I am of the view that it would be appropriate if the punishment imposed on the petitioner is treated as reduction of one annual increment for six months without cumulative effect. But, the petitioner is not entitled for the difference of the amount, if any, by virtue of this order for the period from the date of the impugned order till the

date of this order. However, he is entitled to get increments on notional calculation from the date of this order to which he is entitled, as he has been imposed penalty of reduction of one annual increment for six months without cumulative effect.

4. The Writ Petition is accordingly disposed of with the above observations. No costs.

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March 25, 2005

KVR

To

1 The Depot Manager, APSRTC, Suryapet Bus Depot, Nalgonda District.
2 The Divisional Manager, APSRTC, Suryapet , Nalgonda District.

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